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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1 – 60 are pending in the application. Claims 1 – 60 have been rejected. Claims 1, 2, 5, 25, 26, 29, 30, 33, 57 and 58 have been amended. Claims 53 – 56 have been cancelled without prejudice.

Applicants respectfully assert that the amendments to the claims add no new matter.

CLAIM OBJECTIONS

In the Office Action, the Examiner objected to claims 1 and 2 because of informalities.

The informalities have been corrected in claims 1 and 2. Corrections of similar informalities have been made to claims 5, 25, 26, 29, 30, 33, 57 and 58.

CLAIM REJECTIONS

35 U.S.C. § 102(e) Rejections

In the Office Action, the Examiner rejected claims 1 – 60 under 35 U.S.C. § 102(e), as being unpatentable over Bauer et al. (US 2003/0216969).

Applicants respectfully traverse this rejection in view of the remarks that follow.

Bauer et al discloses a database 215 which stores inventory information describing physical items in an environment, such as a store. In Bauer et al, neither the environment, nor

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the extent of the environment, changes. The present invention, on the other hand, recites in claim 1:

“An index to list physical items in a vicinity around a changeable current location of a user of said index.”

Bauer et al. lists all the items of the environment and thus, does not list only those “around a changeable current location of a user”. A similar argument holds for claims 25 and 29. Claim 57 refers to “the changing vicinity of a generator of said index.” Bauer does not disclose any queries of database 215 based on the vicinity of an index generator.

Bauer et al. does describe an RFID-based customer card. However, such a card only provides the location of the customer. The customer’s movements within the environment do not affect which items are listed in database 215, since database 215 attempts to list all of the items in the environment.

Thus, despite the Examiner’s statements to the contrary, database 215 cannot be the “personal index” as recited in claim 5. Further, alert monitor 239 cannot be the personal index updater since alert monitor 239 does not change the information in database 215. Alert monitor 239 only sends messages as a function of information in database 215. Alert monitor 239 thus, does not:

“update said personal index to include information about items within a changeable space in a vicinity of a person.”

A similar argument holds for claim 33.

With respect to claim 18, Bauer et al. does not have

“a search engine to search said space-wide index for the items in the vicinity of said location which are requested by said person.”

Despite the Examiner’s indication, alert monitor 239 (described in paragraphs 119+) does not provide the same functionality. Alert monitor 239 pushes alerts to a user based on previously defined criteria. The user may not initiate a search and thus, there is no “requested by said person” as required by claim 18. A similar argument holds for claim 46.

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Accordingly, Applicants respectfully assert that independent claims 1, 5, 18, 25, 29, 33, 46 and 57 are allowable. Claims 2 – 4, 6 – 17, 19 – 24, 26 – 28, 30 – 32, 34 – 45, 47 – 56 and 58 – 60 depend from, directly or indirectly, claims 1, 5, 18, 25, 29, 33, 46 and 57, and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that claims 2 – 4, 6 – 17, 19 – 24, 26 – 28, 30 – 32, 34 – 45, 47 – 56 and 58 – 60 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claims 1 - 60.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 09-0468.

Respectfully submitted,

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